

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLEEN BURGHART, Administrator of the  
Estate of Nicole Burghart; and LAWRENCE  
DOLAN, as Guardian ad Litem for H.G., a minor  
individual,

Plaintiff,

vs.

SOUTH CORRECTIONAL ENTITY  
("SCORE"), a Governmental Administrative  
Agency; CRYSTAL REHTOLC-CANTU, an  
individual, SCORE JOHN DOES 1-10;  
NAPHCARE, INC., an Alabama Corporation;  
ROBIN OLSEN, an individual; KERI JAMES,  
an individual; ANGELICA DELEON  
MCKEOUGH, an individual; NAPHCARE  
JOHN DOES 1-10; and TECHCARE JOHN  
DOE ENTITY,

Defendants.

NO. 2:22-cv-01248-TSZ

PLAINTIFFS' UNOPPOSED PETITION  
FOR APPOINTMENT OF  
SETTLEMENT GUARDIAN AD  
LITEM

NOTE ON MOTION CALENDAR:  
FEBRUARY 3, 2023

Plaintiffs request that this Court appoint a settlement guardian ad litem to review the  
reasonableness of any proposed settlements or partial settlement agreements involving the death  
of Nicole Burghart at South Correctional Entity Jail ("SCORE").

PLAINTIFFS' UNOPPOSED PETITION TO APPOINT  
SETTLEMENT GUARDIAN AD LITEM - 1  
NO. 2:22-cv-01248-TSZ

KRUTCH LINDELL BINGHAM JONES, P.S.  
3316 Fuhrman Ave E  
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Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823

I. RELIEF REQUESTED

Plaintiffs move the Court for an Order appointing Lawrence Dolan (the litigation guardian ad litem already appointed in probate court) as settlement guardian ad litem to investigate the reasonableness and adequacy of the proposed settlement of claims in this case.

II. STATEMENT OF FACTS

This case arises out of the incarceration of Nicole Burghart at SCORE and the medical treatment provided by independent contractor, NaphCare, Inc. Plaintiffs have brought numerous state and federal claims, and all parties reached proposed settlements.

**A. Facts related to appointment of SGAL**

At the time of her death, Nicole Burghart was survived by her minor son, H.G. Charleen Burghart was appointed by the Snohomish County Superior Court as the Administrator of the Estate for the purpose of pursuing a wrongful death action. Attorney Lawrence Dolan was subsequently appointed as probate and litigation guardian ad Litem for H.G. Bingham Decl., ¶2. Trial is set for December 4, 2023. Dkt. #23.

Mr. Dolan is a member of the Washington Bar (WSBA #13110). He is on the Snohomish County Guardian ad Litem Registry and is current on all required trainings that the Snohomish County Superior Court requires for guardians ad litem. Bingham Decl., ¶3.

III. ISSUES PRESENTED

Whether this Court should appoint litigation guardian ad litem Lawrence Dolan as settlement guardian ad litem to review the proposed settlements under LCR 17 and SPR 98.16W.

IV. EVIDENCE RELIED UPON

Declaration of J. Nathan Bingham and the filings and records herein.

VI. AUTHORITY

LRC 17(c) and SPR 98.16W require the appointment of an independent guardian ad litem, who is an attorney, prior to approval of the claims of a minor. The independent guardian ad litem shall investigate the adequacy of any proposed settlement and report thereon. *Id.*

Mr. Dolan is a licensed attorney, with approximately 39 years of experience, and therefore qualified to serve as settlement guardian ad litem under LRC 17(c) and SPR 98.16W. Additionally, because Mr. Dolan has been serving as litigation and probate guardian ad litem for H.G., he is familiar with the case and the history of negotiations.

VI. CONCLUSION

For the reasons set out above, Plaintiffs request that Mr. Dolan be appointed as settlement guardian ad litem to investigate the adequacy of the proposed settlement and report thereon.

Respectfully submitted this 3<sup>rd</sup> day of February, 2023.

KRUTCH LINDELL BINGHAM JONES, P.S.

By: /s/ J. Nathan Bingham

J. Nathan Bingham, WSBA #46325

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*Attorney for Plaintiffs*

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the foregoing pleading and any other documents/pleadings filed along with this pleading upon the following persons:

Stewart Andrew Estes, WSBA #15535 Sean M. Dwyer, WSBA #57281 KEATING BUCKLIN McCORMACK INC., P.S. 801 Second Avenue, Suite 1210 Seattle, WA 98104 Telephone: (206) 623-8861 Facsimile: (206) 223-9423 <a href="mailto:sestes@kbmlawyers.com">sestes@kbmlawyers.com</a> <a href="mailto:sdwyer@kbmlawyers.com">sdwyer@kbmlawyers.com</a> <a href="mailto:tcaceres@kbmlawyers.com">tcaceres@kbmlawyers.com</a> <a href="mailto:AAlexander@kbmlawyers.com">AAlexander@kbmlawyers.com</a>  <i>Attorney for Defendants SCORE and  Rehtolc-Cantu</i>	<input type="checkbox"/> via U.S. Mail  <input type="checkbox"/> via Fax  <input checked="" type="checkbox"/> via E-service  <input type="checkbox"/> via Messenger
David A. Perez, WSBA #43959 Elvira Castillo, WSBA #43893 Cara Wallace, WSBA #50111 PERKINS COIE LLP 1201 Third Avenue, Suite 4900 Seattle WA 98101 Main: (206) 359-8000 Fax: (206) 359-9000 <a href="mailto:DPerez@perkinscoie.com">DPerez@perkinscoie.com</a> <a href="mailto:ECastillo@perkinscoie.com">ECastillo@perkinscoie.com</a> <a href="mailto:CWallace@perkinscoie.com">CWallace@perkinscoie.com</a>  <i>Attorneys for Defendants NaphCare, Inc.,  Robin Olsen, Keri James, and Angelica  DeLeon McKeough</i>	<input type="checkbox"/> via U.S. Mail  <input type="checkbox"/> via Fax  <input checked="" type="checkbox"/> via E-service  <input type="checkbox"/> via Messenger
Stephanie D. Olson, WSBA #50100 PERKINS COIE LLP 1111 West Jefferson Street, Suite 500 Boise, ID 83702	<input type="checkbox"/> via U.S. Mail  <input type="checkbox"/> via Fax

PLAINTIFFS' UNOPPOSED PETITION TO APPOINT  
SETTLEMENT GUARDIAN AD LITEM - 4  
NO. 2:22-cv-01248-TSZ

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1 2 3 4 5 6	Main: (208) 343-3434 Fax: (208) 343-3232 <a href="mailto:SOlson@perkinscoie.com">SOlson@perkinscoie.com</a> <a href="mailto:JStarr@perkinscoie.com">JStarr@perkinscoie.com</a> <a href="mailto:KHarbaugh@perkinscoie.com">KHarbaugh@perkinscoie.com</a>  <i>Attorneys for Defendants NaphCare, Inc.,  Robin Olsen, Keri James, and Angelica  DeLeon McKeough</i>	[X] via E-service  [ ] via Messenger
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Signed in Seattle, Washington on the 3<sup>rd</sup> day of February, 2023.

/s/ Pia Kim  
Pia Kim  
Krutch Lindell Bingham Jones, PS  
3316 Fuhrman Ave. E, Suite 250  
Seattle, WA 98102

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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[PROPOSED] ORDER GRANTING  
PLAINTIFFS' UNOPPOSED PETITION  
FOR APPOINTMENT OF  
SETTLEMENT GUARDIAN AD  
LITEM

NOTE ON MOTION CALENDAR:  
FEBRUARY 3, 2023

Plaintiffs' unopposed petition, Dkt. #28, for appointment of a settlement guardian ad  
litem for the minor beneficiary, H.G., pursuant to LCR 17(c) and Special Proceedings Rule  
("SPR") 98.16W is GRANTED.

[PROPOSED] ORDER GRANTING PLAINTIFFS'  
UNOPPOSED PETITION TO APPOINT SETTLEMENT  
GUARDIAN AD LITEM - 1  
NO. 2:22-cv-01248-TSZ

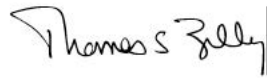
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1 Lawrence Dolan is hereby appointed as settlement guardian ad litem for H.G. and shall  
2 discharge the duties and obligations set forth in LCR 17(c) and SPR 98.16W. Mr. Dolan shall  
3 file, under seal, within thirty (30) days of this Order, a written report consistent with SPR  
4 98.16W(e).

5 Plaintiffs' counsel is directed to provide a copy of this order to Mr. Dolan immediately  
6 upon receipt of this order.

7  
8 IT IS SO ORDERED.

9 Dated this 3rd day of February, 2023.



10  
11 \_\_\_\_\_  
12 Honorable Thomas S. Zilly  
13 United States District Judge  
14

15 Presented by:

16 KRUTCH LINDELL BINGHAM JONES, P.S.  
17

18 By: /s/ J. Nathan Bingham

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